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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA, )  
8 Plaintiff, ) NO. CR-08-184-WFN-1  
9 -vs- ) ORDER  
10 TERRENCE ANTHONY KINARD, )  
11 Defendant. )  
12

13 A pretrial conference and motion hearing was held June 8, 2009. The Defendant, who  
14 is in custody, was present and represented by Kimberly Deater; Assistant United States  
15 Attorney Aine Ahmed represented the Government.

16 The Court addressed Defendant's pending Motion to Reconsider (Ct. Rec. 97) and  
17 Defendant's oral request for Henthorn materials. The Court clarified which evidence will be  
18 permitted in discussing the two incidents that the Court already ruled admissible.

19 The Court has reviewed the file and Motions and is fully informed. This Order is  
20 entered to memorialize and supplement the oral rulings of the Court. Accordingly,

21 **IT IS ORDERED** that:.

22 1. The Defendant's oral request for Henthorn review, is **GRANTED**. The  
23 Government shall review law enforcement personnel files and provide impeachment  
24 information.

25 2. Defendant's Motion for Reconsideration of Order to Admit 404(b) Evidence and  
26 for Clarification, filed June 8, 2009, Ct. Rec. 97, is **GRANTED IN PART**. The Court's

1 Order regarding 404(b) Evidence stands; however, the Court **CLARIFIED** the Order as  
2 follows:

3 For the 2005 incident, the Government may introduce evidence as to the location;  
4 the cell phone, specifically the Government's witness may discuss its presence, the ringing,  
5 and the content of the conversations that Detective Barrington had with callers; contraband  
6 present; and the involvement of law enforcement. For the 2008 incident, the Government  
7 may discuss the involvement of law enforcement and the incessant ringing of the cell phone.  
8 The Government shall not illicit responses which discuss the outstanding warrant or anything  
9 to do with prostitution.

10 3. The trial date of **June 16, 2009, at 9:00 a.m.** and final pretrial conference at  
11 **8:00 a.m.** are **CONFIRMED**. Please see the Court's May 11, 2009 Order for details  
12 regarding trial procedures.

13 The District Court Executive is directed to file this Order and provide copies to  
14 counsel.

15 **DATED** this 8th day of June, 2009.

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17  
18 06-08

s/ Wm. Fremming Nielsen  
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WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE